

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DONNA J. GOFF,

Plaintiff,

v.

HOLLAND AMERICA LINE, INC., *et al.*,

Defendants.

Case No. C06-1789RSL

ORDER CONTINUING MOTION  
FOR SUMMARY JUDGMENT

This matter comes before the Court on a motion for summary judgment (Dkt. #7) filed by defendants Holland America Line, Inc., Holland America Line–USA Inc., HAL Nederland N.V., and Holland America Line N.V. (collectively, “Holland America”). Plaintiff was a passenger on one of defendants’ cruises when she fell and was injured during an aerobics class. Defendants seek dismissal of plaintiff’s only claim, for negligence, arguing that she lacks any evidence that defendants were negligent.

In her response to the motion, plaintiff seeks a continuance to depose two witnesses: (1) the instructor of the aerobics class, and (2) the security officer who investigated the incident and prepared a report for defendants. To obtain a Fed. R. Civ. P. 56(f) continuance, a plaintiff must make “(a) a timely application which (b) specifically identifies (c) relevant information, (d)

1 where there is some basis for believing that the information sought actually exists.” See  
2 Employers Teamsters Local Nos. 175 & 505 Pension Trust Fund v. Clorox Co., 353 F.3d 1125,  
3 1129 (9th Cir. 2004) (internal quotation and citation omitted). The burden is on the party  
4 seeking additional discovery to proffer sufficient facts to show that the evidence sought exists,  
5 and that it would prevent summary judgment. Id. at 1129-1130. Plaintiff argues that the  
6 aerobics instructor may testify regarding the conditions in existence during the class, which  
7 could support plaintiff’s theory that defendants were negligent in allowing the class to become  
8 overcrowded. Plaintiff also alleges that the security officer may have discoverable facts  
9 including the names of witnesses and “measurements.” Plaintiff’s Response at p. 13. Although  
10 plaintiff’s explanation of her need to depose these witnesses is brief and somewhat conclusory,  
11 it is sufficient to justify a brief continuance to allow her to depose both witnesses.

12 Accordingly, the Court GRANTS plaintiff a continuance to depose the aerobics instructor  
13 and the security officer. Plaintiff must file and serve a supplemental response, not to exceed  
14 four pages, to defendants’ motion for summary judgment no later than December 14, 2007.  
15 Defendants may file a supplemental reply, not to exceed four pages, no later than January 18,  
16 2008. The Clerk of the Court is directed to renote defendants’ motion for summary judgment  
17 (Dkt. #7) for January 18, 2008.

18  
19 DATED this 16th day of October, 2007.  
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23 Robert S. Lasnik  
24 United States District Judge  
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